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# HARRIS TOWNSHIP

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February 10, 2006

Federal Communications Commission  
445 12th Street SW  
Washington, DC 20554

Re: MB Docket No. 05-311

Dear Commissioners:

Please find enclosed a response and comments from Harris Township, Centre County, Pennsylvania regarding the matter of Implementation of Section 621 (a)(1) of the Cable Communications Policy Act of 1984 as amended by the Cable Television Consumer Protection and Competition Act of 1992.

On behalf of the Harris Township Board of Supervisors please accept and enter these comments into the record. The Commissioners are urged do nothing that interferes with our ability as a local government to control the use of public rights of way.

Sincerely,

*Amy Farkas*

Amy Farkas  
Township Manager

Cc: Cable Consortium

Before the  
**FEDERAL COMMUNICATIONS COMMISSION**  
Washington, DC 20554

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In the Matter of \_\_\_\_\_ )  
Implementation of Section 621(a)(1) of \_\_\_\_\_ )  
the Cable Communications Policy Act of 1984 \_\_\_\_\_ ) MB Docket No. 05-  
311  
as amended by the Cable Television Consumer \_\_\_\_\_ )  
Protection and Competition Act of 1992 \_\_\_\_\_ )

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**COMMENTS OF HARRIS TOWNSHIP**

These Comments are filed by the Township of Harris, Centre County, Pennsylvania in support of the comments filed by the National Association of Telecommunications Officers and Advisors ("NATOA"). Like NATOA, Harris Township believes that local governments can issue an appropriate local franchise for new entrants into the video services field on a timely basis, just as they have for established cable services providers. In support of this belief, we wish to inform the Commission about the facts of video franchising in our community.

Many communities have a cable ordinance which operates in conjunction with the franchise agreement, the terms of which are often negotiated with the cable company in conjunction with the franchise agreement. These documents are collectively referred to as the "franchise" below.

**Cable Franchising in Our Community**

## **Community Information**

Harris Township is a Township of the Second Class and has a population of 4,657. Our franchised cable provider is Adelphia. Our community has negotiated cable franchises since, at least, 1981.

## **Our Current Franchise**

Our current franchise began in 1994 and presently expires on June 30, 2006. The original franchise period expired in 2003 but the franchise has remained active with the cable provider via letter-agreement to that effect.

Under the statutory timeline laid out in the Federal Cable Act, the cable operator has a 6-month window beginning 36 months before the expiration of the franchise in which to request a renewal under the Federal Act. As a result, at this time we are currently negotiating a franchise renewal with the incumbent provider and its successor Time Warner/Comcast.

Our franchise requires the cable operator to pay a franchise fee to the Township in the amount of 5% of the cable operator's revenues. The revenues for franchise fee purposes are calculated based on the gross revenues of the operator, in accordance with the Federal Cable Act.

We require the cable operator to provide capacity for public, educational, and/or governmental ("PEG") access channels on the cable system. We currently have one channel (or capacity) devoted to educational access; and one channel (or capacity) devoted to government access.

Our franchise contains the following customer service obligations, by which we are able to ensure that the cable operator is treating our residents in accordance with federal standards and the terms it agreed to in its franchise.

### *A. Cable System Office Hours and Telephone Availability:*

(1) The cable operator will maintain a local, toll-free or collect call telephone access line which will be available to its subscribers 24 hours a day, 7 days a week.

(a) Trained company representatives will be available to respond to customer telephone inquiries during normal business hours.

(b) After normal business hours, the access line maybe answered by a service or an automated response system, including an answering machine. Inquiries received after normal business hours must be responded to by a trained company representative on the next business day.

(2) Under normal operating conditions, telephone answer time by a customer representative, including wait time, shall not exceed 30 seconds when the connection is

made. If the call needs to be transferred, transfer time shall not exceed 30 seconds. These standards shall be met no less than 90% of the time under normal operating conditions, measured on a quarterly basis.

(3) The operator will not be required to acquire equipment or perform surveys to measure compliance with the telephone answering standards above unless a historical record of complaints indicates a clear failure to comply.

(4) Under normal operating conditions, the customer will receive a busy signal less than 3% of the time.

(5) Customer service center and bill payment locations will be open at least during normal business hours and will be conveniently located.

*B. Installations, Outages and Service Calls.* Under normal operating conditions, each of the following five standards will be met no less than 95% of the time as measured on a quarterly basis:

(1) Standard installations will be performed within 7 business days after an order has been placed. "Standard" installations are those that are located up to 150 feet from the existing distribution system.

(2) Excluding conditions beyond the control of the operator, the cable operator will begin working on service interruptions promptly and in no event later than 24 hours after the interruption becomes known. The cable operator will begin actions to correct other service problems the next business day after notification of the service problem.

(3) The "appointment window" alternatives for installations, service calls and other installation activities will be either a specific time or, at maximum, a 4 hour time block during normal business hours.

(4) An operator shall not cancel an appointment with a subscriber after the close of business on the business day prior to the scheduled appointment.

(5) If a cable operator representative is running late for an appointment with a subscriber and will not be able to keep the appointment as scheduled, the subscriber will be contacted. The appointment will be rescheduled, as necessary, at a time which is convenient for the subscriber.

*C. Communications Between Cable Operators and Cable Subscribers.*

*(1) Notifications to Subscribers:*

(a) The cable operator shall provide written information on each of the following areas at the time of installation of service, at least annually to all subscribers, and at any time upon request:

- 1) Products and services offered.
- 2) Prices and options for services and conditions of subscription to programming and other services.
- 3) Installation and service maintenance policies.
- 4) Instructions on how to use the service.

- 5) Channel positions of programming carried on the system.
- 6) Billing and complaint procedures, including the address and telephone number of the local franchising authority's cable office.

(b) Billing.

- 1) Bills will be clear, concise and understandable.
- 2) In case of a billing dispute, the cable operator must respond to a written complaint from a subscriber within 30 days.

(c) Refunds. Refund checks will be issued promptly, but no later than either:

- 1) The subscriber's next billing cycle following resolution of the request or 30 days, whichever is earlier.
- 2) The return of the equipment supplied by the cable operator if service is terminated.

(d) Credits. Credits for service will be issued no later than the subscriber's next billing cycle following the determination that a credit is warranted.

Our franchise requires that the cable operator provide service to the following areas of our community: Whenever the cable operator receives a written request for service from at least seven potential subscribers within 1,320 cable bearing strand feet (one quarter cable mile) of its trunk or distribution cable, it shall extend its cable system to such subscribers at no cost to said subscribers for system extension, other than the usual connection fees for all subscribers.

### **The Franchising Process**

The cable system(s) serving our community also serves the following adjoining communities: State College Borough, Bellefonte Borough, and the townships of College, Patton, Ferguson, Halfmoon and Benner. In 2004, our community began working together with these communities to issue a cable franchise for Adelphia and its successor Time Warner/Comcast. This will allow the company to quickly obtain franchises in these communities so as to be able to serve a large region, while also allowing for individual provisions in specific franchises in order to tailor them to meet local needs.

Under the law, a cable franchise functions as a contract between the local government (operating as the local franchising authority) and the cable operator. Like other contracts, its terms are negotiated. Under the Federal Cable Act it is the statutory obligation of the local government to determine the community's cable-related needs and interests and to ensure that these are addressed in the franchising process – to the extent that is economically feasible. However derived (whether requested by the local government or offered by the cable operator), once the franchise is approved by both parties the provisions in the franchise agreement function as contractual obligations upon both parties.

### **Conclusions**

The local cable franchising process functions well in Harris Township. As the above information indicates, we are experienced at working with cable providers to both see that the needs of the local community are met and to ensure that the practical business needs of cable providers are taken into account.

Local cable franchising ensures that local cable operators are allowed access to the rights of way in a fair and evenhanded manner, that other users of the rights of way are not unduly inconvenienced, and that uses of the rights of way, including maintenance and upgrade of facilities, are undertaken in a manner which is in accordance with local requirements. Local cable franchising also ensures that our local community's specific needs are met and that local customers are protected.

Local franchises thus provide a means for local government to appropriately oversee the operations of cable service providers in the public interest, and to ensure compliance with applicable laws. There is no need to create a new Federal bureaucracy in Washington to handle matters of specifically local interest.

Finally, local franchises allow each community, including ours, to have a voice in how local cable systems will be implemented and what features (such as PEG access, institutional networks or local emergency alerts, etc.) will be available to meet local needs. These factors are equally present for new entrants as for existing users.

Harris Township therefore respectfully requests that the Commission do nothing to interfere with local government authority over franchising or to otherwise impair the operation of the local franchising process as set forth under existing Federal law with regard to either existing cable service providers or new entrants.

Respectfully submitted,

Amy K. Farkas  
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